Annual Report 1989-90

Saskatchewan Legal Aid Commission

91-04391/

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Minister of Social Services

SASKATCHEWAN

Legislative Building
Regina, Saskatchewan S4S 0B3
(306) 787-3661

To Her Honour
The Honourable Sylvia O. Fedoruk, O.C., S.O.M.
Lieutenant Governor of the
Province of Saskatchewan
Government House
4607 Dewdney Avenue
REGINA, Saskatchewan
S4P 3V7

May It Please Your Honour:

I have the honour to submit the Annual Report of The Saskatchewan Legal Aid Commission for the fiscal year ended March 31, 1990.

Respectfully submitted,

Bill

Bill Neudorf
Minister of Social Services

Saskatchewan
Legal Aid
Commission

Central
Office

#820 - 410 22nd Street East
Saskatoon, Canada
S7K 2H6

(306) 933-5300

Toll Free 1-800-667-3764

The Honourable William Neudorf
Minister of Social Services
Legislative Building
Regina, Saskatchewan
S4P 3V6

Dear Sir:

It is my pleasure to forward to you the Sixteenth Annual Report of The Saskatchewan Legal Aid Commission in accordance with Section 38(1) of **The Legal Aid Act**, depicting the affairs of the Commission in the 1989/90 fiscal year.

Respectfully submitted,

DRM

Donald R. Morgan,
Chairman

Overview of the Saskatchewan Legal Aid Commission

We received a legislative appropriation of $6,579,100. This represents a 3.2% increase over the previous year. The increase in budget represents sufficient funding to maintain all present staff positions and makes no allowance for increased caseload or broadening the legal aid program.

During the year Union negotiations concluded with CUPE Local 1949 which represents most legal aid employees resulting in a Collective Bargaining Agreement for the period April 1, 1989 to September 30, 1991. Wage increases negotiated are as follows:
September 1, 1989 - 3%,
October 1, 1989 - 3.5%, and
October 1, 1990 - 4%. During the fiscal year the number of full service applicants increased by 3137 (17%). Supplemental funding from the Department of Social Services in the amount of $45,000 enabled the financial statements to carry forward a small surplus.

The representative of the Law Society of Saskatchewan, Morris Bodnar, Q.C., was replaced with Donald Krueger, Q.C. on January 1, 1989, who was subsequently replaced with Mel Annand on January 1, 1990. The term of Evelyn Gamble expired on September 3, 1989 and she has not as yet been replaced. The **Legal Aid Act** was amended in August of 1989. The amendments allowed for the appointment of a representative of the Department of Social Services. Pursuant to that amendment, Robert Blackwell was appointed as a Commissioner. Ms. Jane Lancaster was appointed Legal Director of the Saskatoon City Area Office following the resignation of Sheila P. Whelan in May 1989.

Other amendments to **The Legal Aid Act** allowed for the creation of Regulations which would allow contributions by clients to be reintroduced following the Saskatchewan Court of Appeal striking down the previous contribution policy. The amendments also allow for an appeal process with respect to financial eligibility in civil matters in order to comply with Federal/ Provincial Cost Sharing Agreements.

In early February, 1990 the Supreme Court of Canada rendered a decision in R. vs William Brydges which required all legal aid plans in Canada to supply "temporary and informal advice from duty counsel irrespective of financial status". For the remainder of the fiscal year this service was provided by the Chairman because no funds had been allocated for this purpose and no satisfactory arrangement with staff members had been reached.

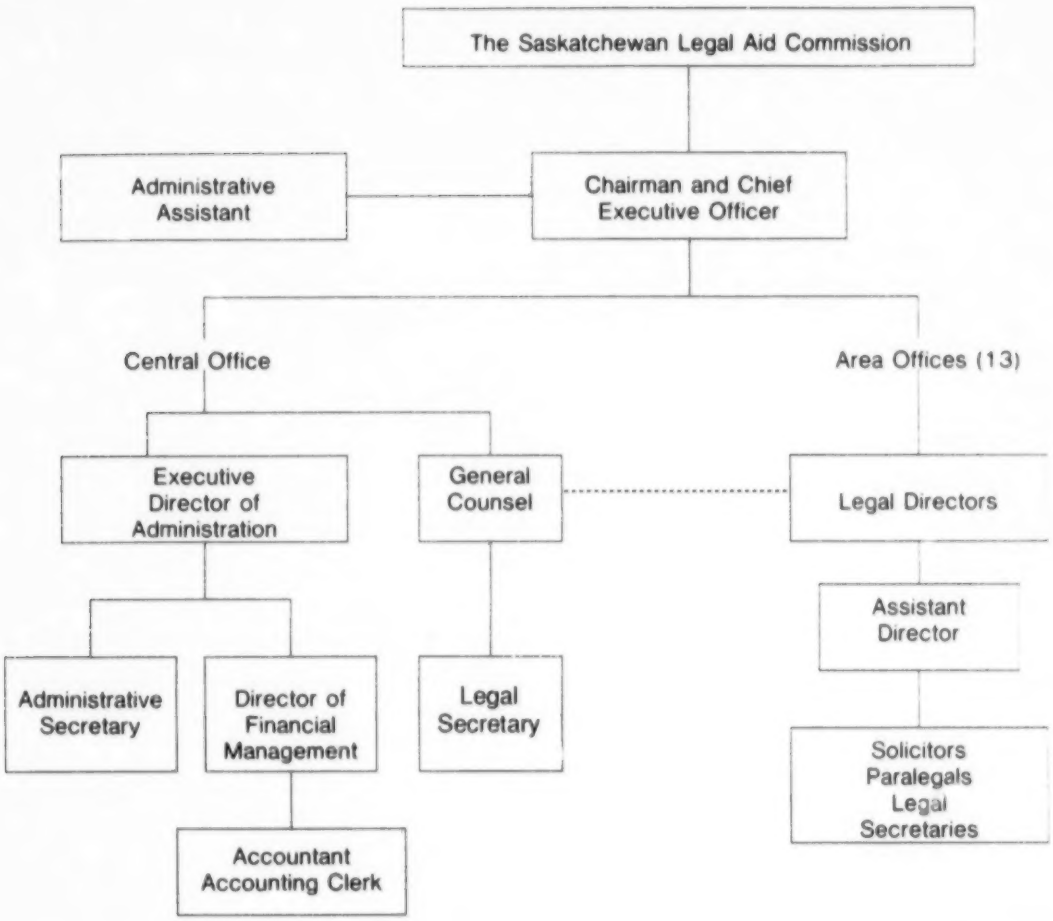
This Annual Report describes the 16th year of operation of legal aid in Saskatchewan. The Commission is proud of its many long-term employees who have shown remarkable dedication and commitment to the mandate and the purposes of legal aid. The ongoing support and contribution of all staff is acknowledged and appreciated.

Members of The Saskatchewan Legal Aid Commission 1989/90*

	Appointed by:
Donald R. MORGAN, Saskatoon Chairman	Lieutenant Governor in Council
Melvin ANNAND, Melfort	Law Society of Saskatchewan (from January 1, 1990)
Jo-Ann BADLEY, Regina	Lieutenant Governor in Council
James BENNING, Regina	Minister of Justice
Robert BLACKWELL, Regina	Minister of Social Services (appointed October 20, 1989)
Evelyn GAMBLE, Duck Lake	Lieutenant Governor in Council (to September 3, 1989)
Freda KOOCHICUM, Balcarres	Lieutenant Governor in Council
Donald KRUEGER, Q.C.,Swift Current	Law Society of Saskatchewan (to December 31, 1989)
Darlene NEUMAN, Yorkton	Lieutenant Governor in Council
Leslie PROSSER, Saskatoon	Attorney General for Canada (from April 29, 1988)
Wilfrid TUCKER, Q.C., Saskatoon	Law Society of Saskatchewan
Paulette VAN DER LINDE, Regina	Lieutenant Governor in Council

* **The Legal Aid Act** provides for the appointment of eleven members — two members of the Law Society of Saskatchewan, one member appointed by the Attorney General for Canada, six members appointed by the Lieutenant Governor in Council, one member who is an employee of the Department of Justice appointed by the Minister of Justice, and one member who is an employee of the Department of Social Services appointed by the Minister of Social Services.

Organizational Chart



Profile of The Saskatchewan Legal Aid Commission

Purpose

— "... to provide legal services to persons and organizations in respect of civil and criminal matters where those persons and organizations are financially unable to secure those services from their own resources."

History

— The Saskatchewan Legal Aid Plan formally came into existence with the proclamation of *The Community Legal Services (Saskatchewan) Act* in August of 1974. This legislation was based on the work of the Carter Committee. In 1979, the Act was amended following the McClelland Report. In 1982/83, the MacPherson Report recommended further changes and on September 1, 1983, *The Legal Aid Act* was proclaimed. The Act was amended in 1989.

Delivery Model

— The Saskatchewan Plan uses a salaried staff delivery model for the majority of its applicants. In 1989/90 the Plan employed 55 lawyers, 17 paralegals and 49 administrative and support staff. The services of private practice lawyers may be used where a client is charged with an offence punishable by minimum life imprisonment or where the Commission feels it would be impossible or improper for an employee to provide service.

Legal Aid Services

Financial Eligibility - An applicant is eligible for legal aid if:

a) the applicant receives income or other benefits from social assistance (ie, Saskatchewan Assistance Plan, Family Income Plan or Indian and Northern Affairs Canada),

b) the applicant is not receiving social assistance but would be entitled to because his financial resources are at social assistance levels (ie, the Family Income Plan Guidelines using a sliding scale based on family size). Prior to December 1988, some applicants were asked to contribute towards the costs of legal services,

c) the applicant's obtaining legal services *not* from legal aid would reduce his financial resources to the social assistance level. Prior to December 1988, some applicants were asked to contribute towards the costs of legal services.

Range of Services — Legal services are provided to eligible applicants if the services required fall within the range of service *and* have professional merit. The Range of Services include:

1. Criminal Matters — a great many, but not all, legal services are provided.

2. Civil Law Matters — most legal services in civil law are restricted to Family Law.

3. In some areas of the province (such as the North), legal aid to meet special needs may be provided.

4. Summary advice and information may be provided to anyone about a wide range of matters if they involve no more than a brief interview or telephone call.

Appeal Process — All persons making application for legal aid must qualify according to financial eligibility, range of service and professional merit guidelines. Applicants denied coverage are notified in writing of the refusal and of their right to appeal the decision to the Chairman of the Commission. The decision of the Chairman is final.

Young Offenders Coverage — is available for financially eligible applicants charged under the *Young Offenders Act*. The Commission also acts as agent for the Saskatchewan Minister of Justice when the Court has ordered the appointment of Counsel for a young offender.

Reciprocity Among Provinces — Saskatchewan participates in a nationwide agreement among provinces to provide legal services to eligible applicants resident in other provinces.

Funding — The Saskatchewan Legal Aid Commission is funded by the Provincial Government through Saskatchewan Social Services. By agreement, the Government of Canada reimburses the Province for a portion of legal aid expenditures on adult criminal matters, young offender matters and some civil matters. During 1989/90 the Province received $3,372,992 from the Government of Canada.

Legal Aid Area Offices

Central Office
#820 - 410 22nd Street East
Saskatoon, SK S7K 2H6
933-5300 1-800-667-3764
Donald R. Morgan, Chairman
Harold P. Pick, Q.C., General Counsel
Laura M. Lacoursiere, Director of Administration

The Battlefords Area Office
Main Floor, Provincial Building
1146 - 102nd Street
North Battleford, SK S9A 1E9
446-7700
Jack Hillson, Legal Director

Meadow Lake Area Office
Box 1630
2nd Floor, 214 - 1st Street East
Meadow Lake, SK S0M 1V0
236-4464
George Thurlow, Legal Director

Melfort Area Office
Box 6500
3rd Floor, 105 Crawford Avenue East
Melfort, SK S0E 1A0
752-6220
Barry Treacy, Legal Director

Moose Jaw Area Office
113 - 110 Ominica Street West
Moose Jaw, SK S6H 6V2
694-3700
Mervyn Shaw, Legal Director

Northern Area Office
Box 5000
Mistasinihk Place, 1328 LaRonge Avenue
LaRonge, SK S0J 1L0
425-4455 1-800-667-4095
Robert McCann, Legal Director

Prince Albert Area Office
Box 3003
11th Floor, McIntosh Mall
800 Central Avenue
Prince Albert, SK S6V 6Z2
953-2850
James Crane, Legal Director

Regina City Area Office
2nd Floor, 1942 Hamilton Street
Regina, SK S4P 2C5
787-8760
Michael B. Ryan, Legal Director

Regina Rural Area Office
#3 - 281 Albert Street
Regina, SK S4R 2N5
787-1141
David Andrews, Legal Director

Regina Rural Area Office (Sub Office)
Box 3003, 110 Souris Avenue
Weyburn, SK S4H 2Z9
848-2341

Saskatoon City Area Office
#210 - 728 Spadina Crescent East
Saskatoon, SK S7K 4H7
933-7820
Jane L. Lancaster, Legal Director

Saskatoon Rural Area Office
#203 - 220 3rd Avenue South
Saskatoon, SK S7K 1M1
933-7855
Betty Lou Huculak, Legal Director

South East Area Office
Box 326, 1314B 3rd Street
Estevan, SK S4A 2A4
634-0790
Barbara Tomkins, Legal Director

Swift Current Area Office
510 - 350 Cheadle Street West
Swift Current, SK S9H 4G3
778-8272
Leslie Cooper, Legal Director

Yorkton Area Office
41 Broadway West
Yorkton, SK S3N 0L6
786-1440
David Bright, Legal Director

Summary of Disposition of Appeals/Complaints Directed to the Office of the Chairman
April 1, 1989 to March 31, 1990

The are four categories under which an applicant or client can appeal to the office of the Chairman:

i) Appeal against refusal - fiscal eligibility or financial resources.
ii) Appeal against refusal - range of services.
iii) Appeal against refusal or withdrawal of services - professional discretion.
iv) Complaint about services received or about the professional conduct of a solicitor or paralegal.

Conclusions are determined as follows:

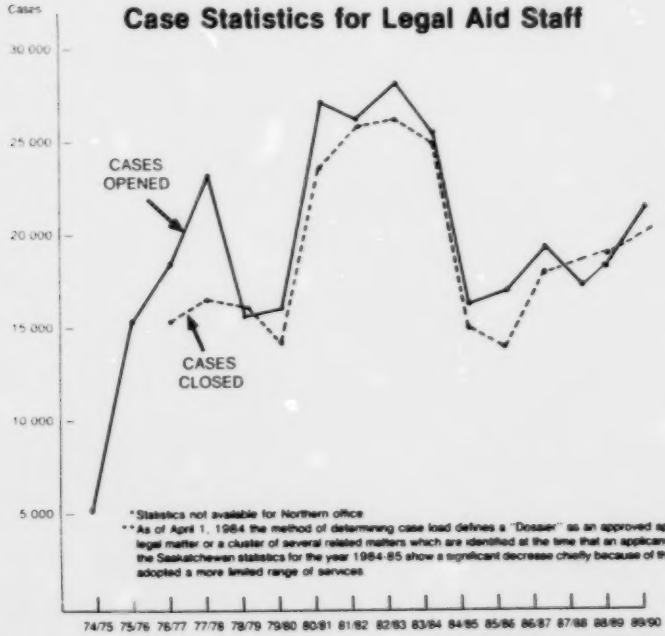
i) The matter is discussed with applicant/client and solicitor. The matter is solved and settled in favour of the area office. In some instances the client is given a "second chance" and another area office agrees to act or a private bar lawyer is appointed. In these instances the matter is unfounded.
ii) Rectified - the matter is amended and corrected in favour of the client.
iii) Discontinued - the matter is discontinued by the client or applicant.

AREA OFFICE	PROFESIONAL FISCAL	RANGE	DISCRETION	COMPLAINT	TOTAL	UNFOUNDED	RECTIFIED	DISCONTINUED	TOTAL
Battleford	7	3	5	0	15	11	4	0	15
Meadow Lake	2	0	0	1	3	2	1	0	3
Melfort	1	3	4	1	9	9	0	0	9
Moose Jaw	11	11	1	1	24	20	3	1	24
Northern	2	3	0	1	6	5	0	1	6
Prince Albert	4	1	4	1	10	7	3	0	10
Regina City	5	1	7	5	18	16	1	1	18
Regina Rural	2	0	2	0	4	3	1	0	4
Saskatoon City	49	60	25	10	144	129	9	6	144
Saskatoon Rural	6	1	4	2	13	12	1	0	13
South East	5	3	1	1	10	10	0	0	10
Swift Current	7	1	1	0	9	8	1	0	9
Yorkton	1	5	2	2	10	8	1	1	10
TOTALS	102	92	56	25	275	240	25	10	275

Applications Received
April 1, 1989 to March 31, 1990

Area Office	FULL SERVICE					SUB TOTAL
	Adult Criminal	Young Offender	Family	Civil	Provincial Statues	FULL SERVICE
Central	8	1	14	1	0	24
Battlefords	790	298	339	7	2	1436
Meadow Lake	616	147	155	29	61	1008
Melfort	512	169	223	1	3	908
Moose Jaw	422	116	537	31	2	1108
Northern	1609	501	171	13	61	2355
Prince Albert	1904	454	792	15	3	3168
Regina City	1809	762	975	15	1	3562
Regina Rural	674	203	293	27	23	1220
Saskatoon City	2186	737	1098	1	0	4022
Saskatoon Rural	403	112	474	8	7	1004
South East	87	50	105	0	0	242
Swift Current	96	50	125	2	2	275
Yorkton	704	205	304	10	14	1237
TOTALS	11820	3805	5605	160	179	21569
Percentage of Applications Received	35.57	11.45	16.87	.48	.54	64.91
Percentage of Full Service Applications	54.80	17.64	25.99	.74	.83	100.00
TOTAL CASES COMPLETED	11814	3652	5209	286	208	21169
Percentage of Cases Completed	55.81	17.25	24.61	1.35	0.98	100.00

Case Statistics for Legal Aid Staff



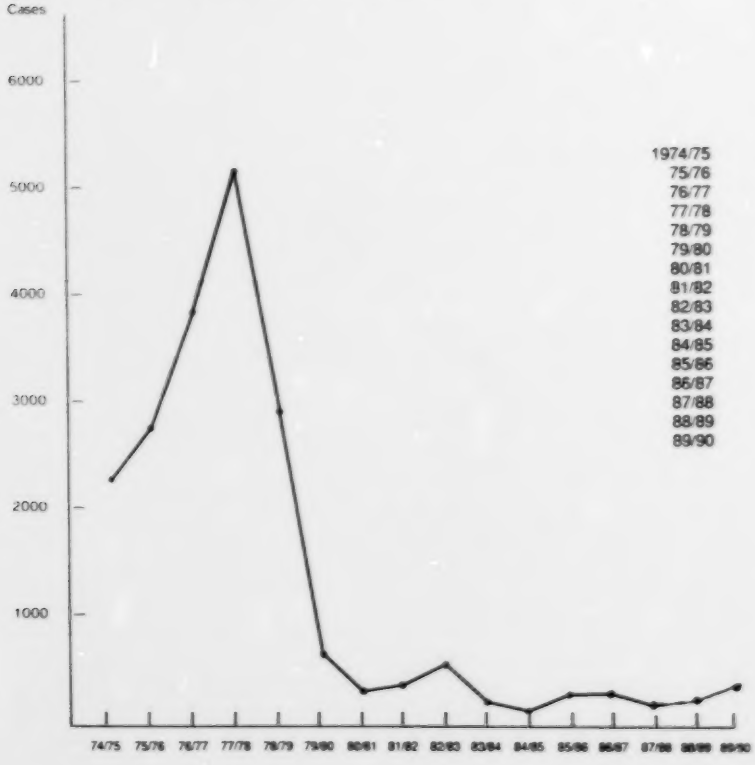
	OPENED	CLOSED
1974/75	5172	Not Available
75/76	15546	Not Available
76/77	18478	15359
77/78	23245	16755
78/79	15904*	16177
79/80	16250*	14313
80/81	27204	23912
81/82	26167	26066
82/83	28314	26400
83/84	25946	25086
84/85	16767**	15301
85/86	17385	14469
86/87	19659	18274
87/88	17681	Not Available
88/89	18432	19230
89/90	21569	21169

*Statistics not available for Northern office

**As of April 1, 1984 the method of determining case load defines a "Dossier" as an approved application for which a file has been opened. The "Dossier" consists of one legal matter or a cluster of several related matters which are identified at the time that an applicant seeks legal aid services. In following the national definition of a "Dossier", the Saskatchewan statistics for the year 1984-85 show a significant decrease chiefly because of the change in definition but also because on October 1, 1983 the Commission adopted a more limited range of services.

SUMMARY ADVICE	REFUSED SERVICE			SUB TOTAL	TOTAL	TOTAL
	Financial	Range of Services	Professional Merit	TOTAL REFUSED	APPLICATIONS RECEIVED	CASES COMPLETED
3	0	1	1	2	29	84
132	60	9	7	76	1644	1335
1001	21	14	10	45	2054	1025
322	19	10	1	30	1260	876
681	53	17	10	80	1869	1295
745	27	6	18	51	3151	2320
158	34	2	4	40	3366	3144
2412	132	6	27	165	6139	3578
389	17	0	2	19	1628	1368
2888	167	278	119	564	7474	3527
581	33	3	4	40	1625	840
250	30	12	2	44	536	234
244	9	1	0	10	529	301
657	25	5	3	33	1927	1242
10463	627	364	208	1199	33231	21169
31.49	1.89	1.10	.63	3.61	100.00	

Cases Completed By the Private Bar



	Number of Cases	$
1974/75	2200	221,266
75/76	2719	392,635
76/77	3797	646,664
77/78	5131	984,107
78/79	2843	824,770
79/80	625	145,301
80/81	253	113,166
81/82	378	195,130
82/83	525	407,820
83/84	156	211,606
84/85	54	68,218
85/86	249	115,107
86/87	259	129,542
87/88	96	110,227
88/89	193	179,482
89/90	302	221,042

Reciprocity 1989/90
April 1, 1989 to March 31, 1990

REFERRED TO:

	AB	BC	MB	NB	NF	NS	NWT	ON	QB	YK	TOTAL
Access	0	1	0	0	0	0	0	0	1	0	2
Child Apprehension	1	3	0	0	0	0	0	0	0	0	4
Criminal	1	0	0	0	0	0	0	0	0	0	1
Custody	12	10	6	0	1	1	0	4	1	0	35
Divorce	5	1	5	0	0	0	0	2	0	0	13
Maintenance	6	3	7	0	0	0	0	2	0	0	18
Paternity	0	0	1	0	0	0	0	0	0	0	1
TOTAL	25	18	19	0	1	1	0	8	2	0	74

REFERRED FROM:

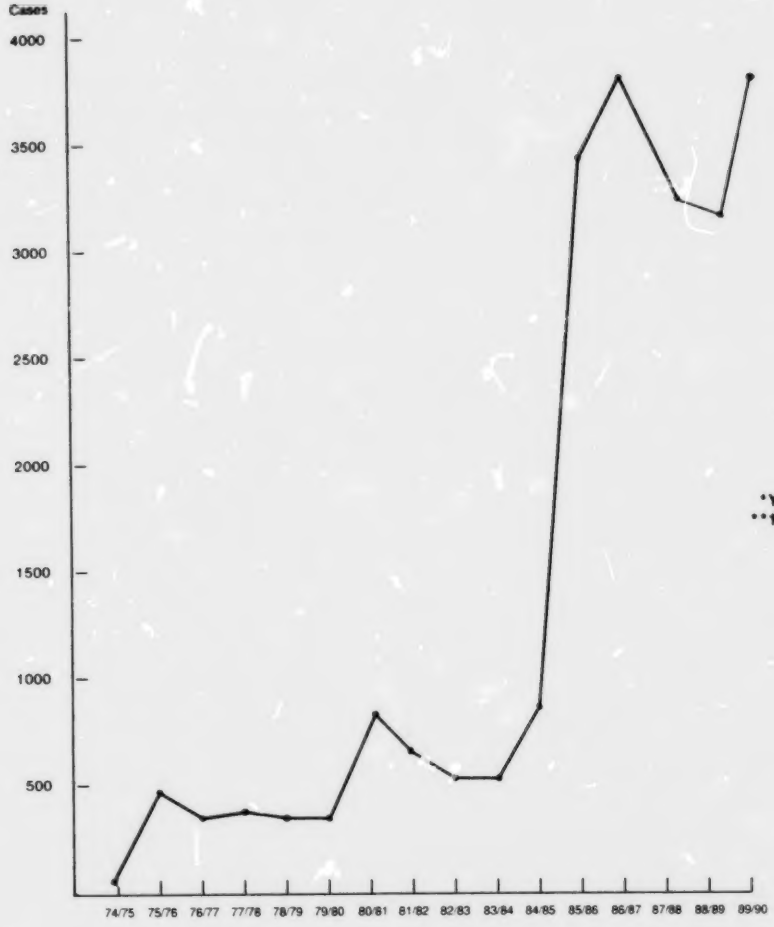
	AB	BC	MB	NB	NF	NS	NWT	ON	QB	YK	TOTAL
Access	1	3	0	0	0	0	0	0	1	0	5
Child Apprehension	0	0	2	0	0	0	0	0	0		2
Criminal	2	0	0	0	0	0	0	1	0	0	3
Custody	11	10	7	1	0	0	0	1	0	1	31
Divorce	11	7	3	0	0	0	0	2	0	0	23
Filiation Order Appeal	0	0	0	0	0	0	0	1	0	0	1
Maintenance	7	8	7	0	1	0	0	2	1	0	26
Oppose Affiliation Proceedings	1	0	0	0	0	0	0	0	0	0	1
TOTAL	33	28	19	1	1	0	0	7	2	1	92

REFUSED: Refused from within province 14
Refused from outside of province 26

TOTAL 40

The Saskatchewan Legal Aid Plan participates in a nation-wide agreement to provide legal services to eligible applicants resident in other provinces.

Juvenile Delinquents Act/ Young Offenders Act Statistics



1974/75	31
75/76	472
76/77	347
77/78	385
78/79	355
79/80	360
80/81	886
81/82	659
82/83	529
83/84	533
84/85	882 *
85/86	3411 **
86/87	3751
87/88	3230
88/89	3139
89/90	3805

*Young Offenders Act proclaimed for 12-15 year olds.
**16 & 17 year olds included.

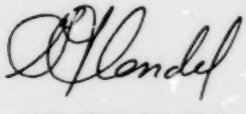
Auditor's Report

To the Members of the
Legislative Assembly of
Saskatchewan.

I have examined the balance sheet of The Saskatchewan Legal Aid Commission as at March 31, 1990 and the statement of revenue, expenditure, and operating surplus for the year then ended. My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as I considered necessary in the circumstances.

In my opinion, these financial statements present fairly the financial position of the Commission as at March 31, 1990 and the results of its operations and the changes in its financial position for the year then ended in accordance with the accounting principles disclosed in Note 1 to the financial statements applied on a basis consistent with that of the preceding year.

Regina. Saskatchewan,
May 11, 1990



G.F. Wendel, C.A.
A/Provincial Auditor.

The Saskatchewan Legal Aid Commission
Balance Sheet
As at March 31

	1990	1989
ASSETS		
Current		
Cash	$ 312,482	$ 266,236
Accounts receivable	42,392	92,455
Prepaid expense	63,190	54,543
Total current assets	418,064	413,234
Fixed - at cost (Note 1)		
Furniture and equipment	399,977	403,577
Library	727,019	706,447
Total fixed assets	1,126,996	1,110,024
	$1,545,060	$1,523,258
LIABILITIES AND EQUITY		
Current		
Accounts payable and accrued liabilities	$ 366,385	$ 305,323
Equity		
Equity in fixed assets	1,126,996	1,110,024
Operating surplus	51,679	107,911
Total equity	1,178,675	1,217,935
	$1,545,060	$1,523,258

(See accompanying notes to the financial statements)

The Saskatchewan Legal Aid Commission
Statement of Revenue, Expenditure and Operating Surplus
Year Ended March 31

	1990	1989
Revenue:		
Consolidated Fund appropriation	$6,624,100	$5,832,500
Contractual revenue	192,685	163,314
Other	135,218	219,556
	6,952,003	6,215,370
Expenditure:		
Salaries and employee benefits	5,318,585	5,132,673
Administrative and operating expenses (Schedule 1)	1,091,113	474,607
Provision of legal services	221,042	179,482
Other legal expenses	90,546	90,972
Travel	228,164	200,104
Library and equipment purchases	58,785	54,246
	7,008,235	6,132,084
(Deficiency) excess of revenue over expenditure	(56,232)	83,286
Operating surplus, beginning of year	107,911	24,625
Operating surplus, end of year	$ 51,679	$ 107,911

(See accompanying notes to the financial statements)

The Saskatchewan Legal Aid Commission
Notes to the Financial Statements
March 31, 1990

The Legal Aid Act came into force on September 1, 1983 by Order in Council 1275/83 and continued The Saskatchewan Community Legal Services Commission as a body corporate under the name of The Saskatchewan Legal Aid Commission. The purpose of the Commission is to provide legal services in criminal and civil proceedings or matters to persons and organizations financially unable to secure those services from their own resources.

1. **Significant Accounting Policies**

The following is a significant accounting policy of The Saskatchewan Legal Aid Commission:

Fixed Assets and Equity in Fixed Assets

Expenditures for fixed assets appear in the statement of revenue, expenditure and operating surplus. To maintain accountability for fixed assets using fund accounting they are recorded in the balance sheet as assets with a corresponding entry to "Equity in Fixed Assets". Because fixed asset purchases are included in the statement of revenue, expenditure and operating surplus, no provision has been made for depreciation of the fixed assets.

At the time of disposal or retirement, the costs of assets disposed or retired are removed from the fixed asset accounts. A corresponding amount is removed from "Equity in Fixed Assets".

2. **Revenues**

The following are included in revenue:

a) sums required for the purpose of the Commission as appropriated by the Legislature and received by the Commission less any unexpended funds remaining from the legislative appropriation for a fiscal year unless otherwise authorized by Treasury Board;

b) compensation received pursuant to a contractual agreement with the Department of Indian Affairs and Northern Development for cost sharing of civil clients of native ancestry;

c) other miscellaneous receipts including revenue from contributions for provision of legal services of $ nil (1989 - $90,165).

3. **Pension Plan**

The Commission participates in a defined contribution pension plan for the benefit of its employees. The Commission's financial obligation to the plan is limited to making regular payments to match the amounts contributed by the employees for current service. The Commission's annual pension expense for 1990 amounted to $157,689 (1989 - $146,445).

4. **Related Party Transactions**

Related parties to the Commission are Saskatchewan's Crown controlled departments, agencies and corporations. Transactions with these parties are recorded at normal market prices except as described herein.

5. **Leased Accommodation**

Accommodation charges are paid to the Saskatchewan Property Management Corporation (a related party) at a level determined by that corporation. The Commission's annual accommodation charges for 1990 amounted to $571,562 (1989-Nil).

6. **Comparative Figures**

Certain 1989 figures have been reclassified to conform to the presentation adopted in the current year.

Schedule 1

The Saskatchewan Legal Aid Commission
Schedule of Administrative and Operating Expenses
Year Ended March 31

	1990	1989
Leased accommodation (Note 5)	$ 571,562	$ --
Telephone	211,329	201,072
Postage	34,714	30,485
Stationery and office supplies	48,280	45,565
Periodicals	88,723	75,942
Photocopying	27,177	24,578
Other operating expenses	109,328	96,965
Total Administrative and Operating Expenses (Statement 2)	$1,091,113	$ 474,607

(See accompanying notes to the financial statements)